

SENATE BILL 2421

By Norris

AN ACT to amend Tennessee Code Annotated, Title 29,  
relative to the power and use of eminent domain to  
take land.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 29, Chapter 17, is amended by adding  
then following as a new part:

§ 29-17-1301. As used in this part, "eminent domain" means the authority  
conferred upon the government, and those entities to whom the government delegates  
such authority, to condemn and take, in whole or in part, the private property of another  
provided it is taken for public use and payment of just compensation is made for such  
property.

§ 29-17-1302. No governmental or other entity authorized to do so shall have  
the authority to condemn and take the private property of a person or other  
nongovernmental entity by use of the power of eminent domain if such taking is for the  
sole or primary purpose of economic development or redevelopment.

§ 29-17-1303. The provisions of this part shall be strictly construed in favor of  
the individual or entity whose property is being taken and against the governmental or  
other entity exercising the power of eminent domain.

§ 29-17-1304. When determining whether any taking of private property by the  
use of eminent domain is a violation of this part, the burden shall be on the  
governmental or other entity exercising the right of eminent domain to show that the  
taking was not for the sole or primary purpose of economic development or  
redevelopment.

§ 29-17-1305. When determining whether any taking of private property by the use of eminent domain is a violation of this part or Article 1, § 21 of the Constitution of Tennessee, the taking of property for the sole or primary purpose of development or redevelopment shall not be considered a “public use” of such property.

SECTION 2. This act shall take effect July 1, 2006, the public welfare requiring it.